

PTO/SB/30 (8/2000)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of a utility or plant application
filed on or after June 8, 1995.
See the American Inventors Protection Act of 1999 (AIPA)

| | |
|------------------------|-----------------------|
| Application Number | 09/841,908 |
| Filing Date | April 25, 2001 |
| First Named Inventor | Bruce L. Bruso |
| Group Art Unit | 3677 |
| Examiner Name | Katherine W. Mitchell |
| Attorney Docket Number | 9079-6 (151783) |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE Practice.


1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed February 17, 2004
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
- b. ☒ Enclosed
- ☐ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☒ Other: Communication and Petition for Extension of Time.

2. Miscellaneous


- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0573
- ☒ RCE fee required under 37 C.F.R. § 1.17(e)
 - ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - ☒ Any additional fee found to be due in connection with this submission.
- b. ☐ Check in the amount of \$ _____ is enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---|-----------------------------------|----------------|
| Name (Print/Type) | Steven A. Nash | Registration No. (Attorney/Agent) | 45,507 |
| Signature |  | Date | March 17, 2004 |

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, is being facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

| | | | |
|-------------------|---|------|----------------|
| Name (Print/Type) | Jennifer R. Hanna | Date | March 17, 2004 |
| Signature |  | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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PAGE 24 RCVD AT 3/17/2004 10:08:34 AM (Eastern Standard Time) * SVR:USPTO-EFXXF-110 * DNIS:8729306 * CSID: * DURATION (mm-ss):01-48

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OFFICIAL PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of : Group Art Unit:
Bruce L. Bruso : 3677
Serial No.: 09/841,908 : Examiner:
Filed: April 25, 2001 : Katherine W. Mitchell
For: METHOD OF IN SITU SOIL REMEDIATION : Attorney Docket No.:
FOR VOLATILE ORGANIC CONTAMINANTS : 9079-6 (151783)

**COMMUNICATION ACCOMPANYING RCE AND
PETITION FOR FURTHER EXTENSION OF TIME***Via facsimile to (703) 872-9306*

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication and the accompanying Request for Continued Examination ("RCE") supplement the Applicant's Response to the Fourth Office Action, which was filed February 17, 2004. This submission follows a telephone discussion yesterday between the Examiner and the Applicant's undersigned attorney. The courtesy extended by the Examiner during the discussion is appreciated.

| CERTIFICATE OF FACSIMILE TRANSMISSION | |
|--|--------------------------|
| I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, is being facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below. | |
| BY | <u>Jennifer R. Hanna</u> |
| DATE | <u>3/17/04</u> |

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It was noted during the discussion that the amendments and remarks included in the Response to the Fourth Office Action have not yet been fully considered. However, based upon the Examiner's preliminary review, it was noted that the amendments could be considered to raise new issues, leaving open the possibility that the Response to the Fourth Office Action may not be entered. For the reasons set forth in the Response, the Applicant respectfully contends that the amendments do not raise new substantive issues. However, the accompanying RCE is being submitted to guarantee entry of the Response to the Fourth Office Action as a matter of right.

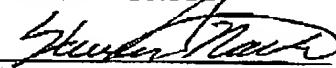
Please consider this to be a request for a three-month extension of time to file a response to the Office Action mailed September 17, 2003. The extension resets the deadline for response to March 17, 2004. The fee for a two-month extension of time was paid with the Response filed on February 17, 2004. Authorization is provided to charge the additional extension fee of \$265.00, the RCE fee of \$385.00 and any additional fees that are found to be due to Deposit Account No. 50-0573. Authorization is provided to credit any overpayment to the same deposit account.

It is respectfully submitted that the application is in condition for allowance. However, if after full consideration of the Response to the Fourth Office Action, the Examiner believes that further amendments are required or any other matters warrant attention, the Examiner is invited to telephone the undersigned attorney prior to issuance of another Office Action.

Respectfully submitted,

BRUCE L. BRUSO

BY:


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